

REMARKS

Reconsideration of the application and Claims 1-14 as previously presented and the new claims submitted herewith, respectfully is requested. Claims 1-14 remain and new Claims 15-19 have been added in the application to further clarify the claimed invention.

The Examiner again rejected Claims 1, 2, 4-7, 11 and 14 under 35 U.S.C. §102 as anticipated by Bottger '391.

The Examiner stated:

"Bottger discloses a housing for a refrigerator comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a body defining an interior and having at least one side part formed from a panel of flat material, such as shown in Figs 2 & 4, side walls, a front side with an opening open to the interior, vertical border strips, horizontal bars (16,28), said side part having a joining element, the end bar being introduced into the joining element and subjecting the border strip to a force having an effect of widening an angle at which the border strip is connected to the side wall (i.e., col.3, lines 31-36, the inner leg 34 and the outer leg 32 of the U-shaped case portion are spaced from each other a distance slightly less than the distance between the inner most portion of the detent tang 58 and the outer surface of the first end 44 of the cross piece support member 28), the end bar having at least two points of contact, such as shown in Fig 3. In regard to claim 11, Bottger meets the limitations recited therein since col.3, lines 31-36, the

inner leg 34 and the outer leg 32 of the U-shaped case portion are spaced from each other a distance slightly less than the distance between the inner most portion of the detent tang 58 and the outer surface of the first end 44 of the cross piece support member 28. Thus, when the end bar is inserted into the joining element, it would deflect/rotate the joining element."

Applicant does not agree that the structure of independent Claims 1 and 14 is disclosed or even suggested by Bottger '391. Applicant does agree that some similar elements are disclosed by Bottger '391. The invention as claimed is directed in Claims 1 and 14 to a refrigerating housing or body including a front side with an opening which is open to the interior, with the opening defined by vertical border strips (6) and horizontal end bars (8,9). Further one of the border strips (6) together with a side wall (7) is a constituent part of the side wall formed from a panel of flat material (see Fig 4). The side part has a joining element (15) for joining the side part with the end bar (9). The end bar (9) being introduced into the joining element (15), and subjecting said border strip (6) to a force having an effect of widening an angle at which said border strip (6) is connected to the side wall (7). Claims 1 and 14 clearly should be allowable over Bottger '391. Bottger '391 includes additional elements: hinge fasteners 54, 56 and 62, Fig 5 for the securing function clearly showing that Bottger '391 does not meet the limitations of the claimed invention which do not require or include the multiple fastening elements of Bottger '391,

which clearly Bottger '391 requires to have an operational structure. Note, Fig 4 of Applicants invention, where the hinge 5 is only secured to the end bar 9. There are numerous cases which state that **it is not** an obvious choice when it is not shown by the prior art. The Examiner's position which eliminates required elements of Bottger '391 is aligned with the long line of cases which rule against hindsight provided only by Applicants' disclosure and claimed invention. Claims 1, 2, 4-7, 11 and 14 should now be allowable over Bottger '391.

The Examiner again also rejected Claims 3, 8-10, 12 and 13 under 35 U.S.C. §102 as obvious over the combination of Bottger '391 and Whistler '223. The Examiner stated:

"Bottger discloses all the elements as discussed above except for the end bar having a joint-on buffer body forming at least one points of contact, the joining element is rigidly connected to either the border strip or the side wall, the borer strip being covered with a colored sheet material, and the side wall being free of a color coating at least in a rear region.

Whistler, Jr. teaches the idea of providing a joint-on buffer body 42 forming at a point of contact, such as shown in Fig 3, for the purpose of increase manufacturing tolerance of the dimensions of the elements. Therefore, it would have been obvious to modify the structure of Bottger by providing a joint-on buffer body forming at least one points of contact for the purpose of increase manufacturing tolerance of the dimensions of the elements, as taught by Whistler, Jr., since both teach alternative conventional

refrigerator housing, used for the same intended purpose, thereby providing structure as claimed.

In regard to the joining element is rigidly connected to either the border strip or the side wall, it would have been obvious and well within the level of one skill in the art to rigidly connected the joining element to either the border strip or the side wall in order to increase the overall load support of the housing, if so is desired. In regard to the border strip being covered with a colored sheet material, and the sidewall being free of color coating at least in a rear region, it would have been obvious and well within the level of one skill in the art to have the border strip being covered with a colored sheet material, and the sidewall being free of a color coating at least in a rear region in order to reduce the overall cost of the refrigerator."

Claims 3, 8-10, 12 and 13 are dependent from allowable Claim 1 and now also should be allowable, since Whistler '223 does not add the clamping structure clearly defined and claimed in Claim 1, which is also not shown or suggested by either Bottger '391 or Whistler '223.

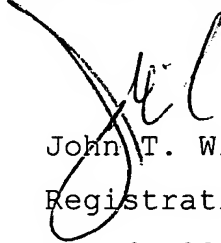
Additionally, new Claims 15-19 have further been added to specifically claim further structural details of the elastic clamping structure which allow the claimed invention to eliminate the multiple fastening elements of Bottger '391, which details clearly are not shown or suggested by either Bottger '391 or Whistler '223. New Claims 15-19 also should be allowable.

Claims 1-19 remain in the application and now are in allowable form. Early allowance thereof is solicited. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

John T. Winburn

Name of Attorney Signing
Under 37 CFR 1.34

Respectfully submitted

A handwritten signature in black ink, appearing to read 'J. Winburn', is written over the printed name and registration information.

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